

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

STATUS CONFERENCE

In Re: Levaquin Products Liability)	COURT MINUTES
Litigation,)	BEFORE: John R. Tunheim
)	U.S. District Judge
Plaintiff,)	
)	Case No: 08-1943 JRT
v.)	Date: May 20, 2013
)	Deputy: Holly McLelland
)	Court Reporter: Kristine Mousseau
)	Time Commenced: 12:47 p.m.
Defendant.)	Time Concluded: 1:10 p.m.
)	Time in Court: 23 Minutes

Hearing on: Status Conference

1. Federal and state cases in MDL and state court

There are currently 1,879 cases pending in the MDL, involving 1892 plaintiffs. Of those cases, 1182 have been settled and 153 are currently in negotiations.

There are four cases pending in state jurisdictions, and no trial dates are set in those cases.

There are 1228 active cases in New Jersey. Roughly 898 of those cases are currently subject to dismissal due to settlement.

2. Status of Settlement

Counsel for Defendants report that settlement is progressing, and they are working closely with Magistrate Judge Boylan who will be reviewing settlement allocations in large groups. Counsel also reported that they are finishing negotiations, and do not anticipate settling with many more Plaintiffs that have not come forward at this point.

3. Status of Amended PTO 3 in New Jersey

On January 3, 2013 the Court entered an Amended PTO 3 regarding Plaintiffs' common expense fund. This order has no effect unless and until it is entered by the New Jersey court. A parallel Amended PTO 3 was presented to Judge Higbee during a New Jersey status conference in April.

A conference has been scheduled in New Jersey for some time this week, during which New Jersey lawyers intend to discuss with Judge Higbee possible issues with the Amended PTO 3. In addition to some minor language changes, Judge Higbee has expressed a desire that an auditor be used in the process of distributing the common benefit funds. Plaintiffs' counsel indicated they would be willing to add an auditor to the Amended PTO 3 filed by this Court, should that be necessary in order to reach an agreed upon order.

4. Motion to Dismiss (Carey, Danis & Lowe Cases)

On December 3, 2012, the Court entered an order to show cause regarding Plaintiffs who had failed to serve a completed fact sheet ("PFS") on Defendants. The order allowed a 60 day period for such filings, which time period expired February 1, 2013.

Defense counsel filed a motion to dismiss on March 4, 2013, to dismiss cases in which Plaintiffs had failed to serve completed PFSs. The Court allowed Plaintiffs 30 additional days in which to produce complete PFSs. After those 30 days expired, no updated PFSs had been filed in 23 cases. Both sides agreed that those cases would be dismissed without prejudice, and filed a stipulation to that effect. The Court has since entered an order dismissing those cases.

On May 8, 2013, defense counsel filed a motion to dismiss 23 other cases in which updated PFSs were served, but remain deficient. For example, in 15 of those cases no medical records were provided. The Court heard arguments on this matter at the status conference, took the matter under advisement, and will issue a written order soon.

5. Cases for Remand and Remand Order (PTO 13)

Defense counsel is waiting to prepare a final suggestion of remand order until settlement negotiations have completed, and they can ascertain with more certainty which cases will be subject to remand. The suggested remand order will allow Plaintiffs 30 days to file any objections to remand.

6. Cases for Transfer

There are currently very few cases subject to transfer that are not handled by the Carey & Danis firm. Carey & Danis has 432 cases subject to transfer, and these cases will be transferred pursuant to a consent or stipulation. Defense counsel will submit the stipulation for transfer to the Court attaching the cases as a spreadsheet. Approximately 50 other cases will be subject to transfer. The Court will provide 30 days for plaintiff's to file any objections to transfer in those cases.

7. Projected End Date

Counsel anticipate that the MDL will be completed in July 2013.

Next Status Conference: Wednesday, June 19, 2013 at 12:30PM.

APPEARANCES:

Plaintiff: Ronald Goldser, Corey Sullivan
Defendant: Tracy Van Steenburgh, John Winter
Phone: Kevin Fitzgerald

s/Holly McLelland
Courtroom Deputy Clerk